

1 **Thomas P. Riley, SBN 194706**
2 **LAW OFFICES OF THOMAS P. RILEY, P.C.**
3 **First Library Square**
4 **1114 Fremont Avenue**
5 **South Pasadena, CA 91030**

6 **Tel: 626-799-9797**
7 **Fax: 626-799-9795**
8 **TPRLAW@att.net**

9 **Attorneys for Plaintiffs**
10 **Joe Hand Promotions, Inc.**



11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 **JOE HAND PROMOTIONS, INC.,**

15 **Plaintiff,**

16 **vs.**

17 **ALDO JIMENEZ JUAREZ, et al.**

18 **Defendant.**

19 **CASE NO. 5:10-cv-05580-EJD**

20 **PLAINTIFF'S *EX PARTE***
21 **APPLICATION FOR AN ORDER**
22 **VACATING THE CASE**
23 **MANAGEMENT CONFERENCE; AND**
24 **ORDER (Proposed)**

25 **TO THE HONORABLE EDWARD J. DAVILA, THE DEFENDANTS, AND HIS**
26 **ATTORNEYS OF RECORD:**

27 Plaintiff Joe Hand Promotions, Inc. hereby applies *ex parte* for an order vacating the Case
28 Management Conference in this action, presently set for Friday, August 26, 2011 at 1:30 P.M. This
request will be, and is, necessitated by the fact that defendant Aldo Jimenez Juarez, individually and
d/b/a Aldo's Mexican Sports Restaurant is in default¹ and Plaintiff's Application for Default
Judgment is presently set to be heard before the Honorable Edward J. Davila on September 23, 2011
at 9:00 A.M.

¹ As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive pleading from the defendant. As a result, Plaintiff's counsel has not conferred with the defendant concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the case itself or the preparation of a Case Management Conference Statement.

